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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,564	02/13/2004	Bruno Zweideck	A71.12-0004	8250

7590 01/25/2005

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,564

Applicant(s)

ZWEIDECK, BRUNO

Examiner

Hau V Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because the term "means" is legal phraseology term. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-12 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartan (5,516,142).**

Hartan in figures 1-2, discloses a baby carriage comprising two push arms (4) each with a handle (14) installed free pivot. The handle comprises means (22)

locking/unlocking at least two angular positions with respect to the arm and means of actuating the locking/unlocking means, characterized that the actuation means are free move along an axis approximately perpendicular to the axis of the push arm.

Regarding claim 2, Hartan discloses the handle comprising a terminal gripping part (24) and connecting part free to pivot on the push arm. The actuation means project the connecting part.

Regarding claims 3 and 15, Hartan discloses the locking/unlocking means comprising nested parts extending approximately parallel to an axis the push arm, a first part being fixed to the push arm and a second part being fixed the handle. The parts being free to move radially with respect to each other between locking position which they meshed with each other, and an unlocking position which they are separated (as shown in figure 2).

Regarding claims 4 and 16, Hartan discloses one the parts that fixed part and the other part a locking/unlocking part free to move in the radial direction.

Regarding claims 5 and 17, Hartan discloses the fixed part that is fixed to the push arm.

Regarding claims 6 and 18, Hartan discloses the locking/unlocking part forms sheath inside which the fixed part is at least partially housed.

Regarding claims 7 and 19, Hartan discloses the sheath at least one lock designed come into contact with least two complementary housings formed on the passive part at angular intervals, in order to lock the handle in rotation.

Regarding claim 8, Hartan discloses the lock comprising at least one projection (20). The fixed part has at least two cavities (21) forming a housing for the projection.

Regarding claim 9, Hartan discloses the handle having tubular structure inside which sheath installed. The tubular structure contains means guiding the sheath.

Regarding claim 10, Hartan discloses the handle including elastic return means tending to bring the locking/unlocking means into the locked position.

Regarding claim 11, Hartan discloses the elastic return means that are fitted between the handle and the sheath.

Regarding claim 12, Hartan discloses the handle including means of locking handle axial direction with respect to the push arm.

Regarding claim 15, Hartan discloses the locking/unlocking means comprising nested parts extending approximately parallel to an axis the push arm, a first part being fixed to the push arm and a second part being

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartan (5,516,142) as applied to claim 1 above, and further in view of Yeh et al. (6,478,328).**

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Hartan discloses handle, but fails to show at least one control cable.

Yeh et al. in figure 1, teach stroller comprising a cable (204) passed through a handle (101). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Hartan with the additional of at least one control cable as taught by Yeh et al. in order to unfold the stroller thereafter.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perego discloses a folding baby carriage, Anderson discloses a collapsible hand truck.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
1/11/05

Hau V Phan
Examiner
Art Unit 3618